

Message Text

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ACTION L-02

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TO SECSTATE WASHDC IMMEDIATE 7218

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E.O. 11652: N/A

TAGS: CPRS, PFOR, SNAR, OGEN, JA

SUBJ: JUDICIAL ASSISTANCE - JUSTICE DEPARTMENT DEPOSITION
REQUEST

REF: TOKYO 0272 AND PREVIOUS

1. EMBOFF CONFERRED JANUARY 9 AND 10 WITH JAPANESE FONOFF,
NATIONAL POLICE AGENCY AND IMMIGRATION BUREAU OFFICIALS TO
WORK OUT PHYSICAL ARRANGEMENTS FOR DEPOSITION, INCLUDING
TRANSPORT AND HOUSING OF DEFENDANTS, WHICH WILL BE AS
FOLLOWS:

A) ARRIVAL AT AIRPORT - EIGHT EMBASSY ESCORT OFFICERS
WILL ARRIVE AT PLANESIDE TO MEET PAA FLIGHT #1 SCHEDULED
ARRIVE TOKYO INTERNATIONAL AIRPORT AT 1630 JANUARY 20
(LOCAL TIME). ONE OR MORE ESCORT OFFICERS WILL BOARD AIR-
CRAFT TO COLLECT PASSPORTS AND LANDING CARDS FROM DEFEN-
DANTS. JAPANESE REQUEST ACCOMPANYING FAA MARSHALLS ARRANGE
TO CONFINE DEFENDANTS TO THEIR SEATS UNTIL ALL OTHER PASS-
ENGERS DEPLANE AS THEY DO NOT WISH DEFENDANTS TO ENTER
PASSENGER TERMINAL OR OTHERWISE MINGLE WITH OTHER PASSENGERS.
EMBASSY ESCORT OFFICER WILL TAKE PASSPORTS AND LANDING
CARDS TO AIRPORT IMMIGRATION CHIEF AND OBTAIN FROM HIM A
PERMIT FOR PROVISIONAL LANDING FOR EACH DEFENDANT. JAPANESE
CUSTOMS, IMMIGRATION AND QUARANTINE OFFICIALS WILLBE AT
PLANESIDE TO PERFORM CIQ FORMAILITIES, AND POSSIBLY MAKE
A BODY SEARCH OF DEFENDANTS. EMBASSY ESCORT OFFICER WILL
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DELIVER PROVISIONAL LANDING PERMITS TO EACH DEFENDANT

ABOARD BUS. TWO ENGLISH-SPEAKING IMMIGRATION INSPECTORS ABOARD BUS WILL ADVISE DEFENDANTS OF THE CONDITIONS OF THEIR ADMISSION, WHICH WILL INCLUDE RESTRICTIONS ON THEIR MOVEMENTS IN JAPAN, AND WILL WARN THEM THAT SHOULD THEY ATTEMPT TO VIOLATE ANY OF THESE CONDITIONS, AN ORDER FOR THEIR DETENTION WILL BE ISSUED UNDER ARTICLE 13 OF THE IMMIGRATION CONTROL LAW. BUS WITH FOUR DEFENDANTS, EIGHT EMBASSY ESCORTS, TWO JAPANESE IMMIGRATION OFFICERS AND ANY OTHER PARTICIPANTS FROM U.S. SIDE (DEFENSE COUNSEL OR MEMBERS OF PROSECUTOR'S TEAM) ARRIVING WITH DEFENDANTS, WILL PROCEED IMMEDIATELY AND DIRECTLY TO HOTEL, WHICH IS 2 TO 3 HOUR DRIVE FROM AIRPORT. TWO UNMARKED POLICE CARS, ONE FROM TOKYO METROPOLITAN POLICE DEPT AND THE OTHER FROM KANAGAWA (YOKOSUKA) PREFECTURAL POLICE DEPT, WILL FOLLOW CLOSELY BEHIND BUS. AT BORDERLINE BETWEEN TOKYO METROPOLITAN DISTRICT AND KANAGAWA PREFECTURE, ABOUT 2 KILOMETERS FROM AIRPORT, TOKYO POLICE CAR WILL TURN BACK TO TOKYO BUT KANAGAWA CAR WILL CONTINUE TO FOLLOW BUS TO HOTEL. EMBASSY WILL CLEAR DEFENDANTS' BAGGAGE THROUGH CUSTOMS AFTER BUS DEPARTS AND WILL HAVE IT DELIVERED TO HOTEL ASAP.

B) HOTEL - AT INSISTENCE OF JAPANESE, EMBASSY RESERVED ENTIRE SECOND FLOOR (16 ROOMS) OF HAYAMA MARINA HOTEL AT HAYAMA, KANAGAWA PREFECTURE, FOR LODGING OF DEFENDANTS, EMBASSY ESCORTS AND JAPANESE POLICE (POSSIBLY FOUR) AND IMMIGRATION (TWO) OFFICERS FOR NIGHTS OF JANUARY 20 THROUGH 23 (FOUR NIGHTS). ROOM CHARGES WILL TOTAL 117,000 YEN PER NIGHT (ABOUT \$390), JAPANESE POLICE INSIST THAT DEFENDANTS TAKE THEIR MEALS IN THEIR ROOMS. HOTEL ABOUT HALF-HOUR DRIVE FROM YOKOSUKA PRISON. JAPANESE HAVE URGED STRONGLY THAT DEFENSE COUNSEL AND PROSECUTION TEAM ALSO LODGE AT HAYAMA MARINA HOTEL (SEEING THIS AS PROVIDING ADDITIONAL INSURANCE OF DEFENDANTS' GOOD BEHAVIOR) BUT HAVE NOT MADE THIS AN ABSOLUTE CONDITION. SINCE IT IS ONE OF BETTER HOTELS IN AREA, AND SINCE YOKOSUKA PRISON IS MORE THAN TWO HOURS FROM TOKYO, EMBASSY ALSO BELIEVES COUNSEL AND PROSECUTION WOULD FIND IT MORE CONVENIENT THAN ANY TOKYO HOTEL. JAPANESE PREFER THAT MEMBERS OF PROSECUTION TEAM NOT LODGE AT YOKOSUKA BASE, IT BEING ONE OF THEIR CHIEF CONCERNS FROM THE BEGINNING OF NEGOTIATIONS ON CASE THAT THE TAKING OF A DEPOSITION IS NOT AN ACTIVITY CON-

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TEMPLATED UNDER THE STATUS OF FORCES AGREEMENT OR MUTUAL SECURITY TREATY BETWEEN JAPAN AND THE U.S. AND THEREFORE U.S. BASES SHOULD NOT BE CONNECTED IN ANY WAY WITH THE DEPOSITION.

C) YOKOSUKA PRISON - WARDEN OF YOKOSUKA PRISON HAS AGREED TO MAKE THREE ROOMS AVAILABLE IN CONNECTION WITH TAKING OF DEPOSITION. DEPOSITION ROOM LOCATED ON SECOND FLOOR OF PRISON ADMINISTRATION BUILDING, DIMENSIONS ARE

8.6 METERS BY 4.5 METERS (ABOUT 25 FEET BY 13 FEET). TABLES AND CHAIRS WILL BE PROVIDED. SINCE THERE ARE NO SCREENS OR BARS ON WINDOWS, WARDEN CONCERNED ABOUT SECURITY, PROPOSES KEEP UP TO FOUR PRISON GUARDS IN ROOM THROUGHOUT PROCEEDINGS. WARDEN HAS AGREED TO DISCUSS ARRANGEMENTS WITH EMBASSY CONTROL OFFICER (CUMMINGS) AND U.S. ATTORNEY (NERNEY) AT PRISON ON JAN 16 AT WHICH TIME NERNEY WILL ALSO BE ALLOWED TO VISIT DEPENDENTS ADAMS AND GAMBLE. WARDEN HAS PROMISED ALL POSSIBLE ASSISTANCE BUT IS UNABLE FURNISH A ROOM OF LARGER SIZE. TWO SMALLER ROOMS WILL ALSO BE AVAILABLE, ONE FOR DEFENDANTS AND THEIR COUNSEL AND ONE FOR EMBASSY ESCORTS AND PROSECUTION TEAM. SINCE LIGHTING IN DEPOSITION ROOM NOT ADEQUATE FOR VIDEO-TAPING, US SIDE WILL HAVE TO BRING LAMPS. IF VIDEO-TAPE EQUIPMENT REQUIRES 220 VOLT CURRENT, US SIDE WILL ALSO HAVE TO FURNISH EXTENSION CORD TO BRING POWER IN FROM AN AS YET UNDETERMINED BUT CONSIDERABLE DISTANCE, AS PRISON BUILDING HAS ONLY 110 VOLT CURRENT. DEPOSITION MUST BE TAKEN DURING REGULAR PRISON HOURS, 0900 TO 1600. DEFENDANTS WILL BE FED IN PRISON CAFETERIA FROM 1200 TO 1300 BUT WARDEN UNWILLING FURNISH MEALS FOR OTHER PARTICIPANTS. SINCE LUNCH BREAK WILL NOT BE LONG ENOUGH TO PERMIT TRAVELING TO NEAREST RESTAURANT FOR MEALS, ONLY ALTERNATIVE IS FOR US PARTICIPANTS TO BRING OWN FOOD.

D) IDENTIFICATION - JAPANESE INSIST ALL MEMBERS OF US SIDE, INCLUDING DEFENDANTS, WEAR NAME TAGS AT ALL TIMES (EMBASSY WILL PROVIDE). THEY ALSO WANT 30 REPEAT 30 PHOTOGRAPHS OF EACH DEFENDANT IN ADVANCE OF ARRIVAL SO POLICE, IMMIGRATION AND PRISON OFFICIALS MAY FAMILIARIZE THEMSELVES WITH THEIR FEATURES. (EMBASSY INFORMED NERNEY OF PHOTOGRAPH REQUIREMENT JAN 10 BY TELEPHONE).

2. FONOFF (NUMATA) ANXIOUS TO HAVE FLIGHT ARRIVAL INFORMATION ON DEFENSE COUNSEL ASAP, NUMATA CABLED INSTRUCTION LIMITED OFFICIAL USE

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TO JAPANESE CONGEN SAN FRANCISCO JAN 10 TO ISSUE QUOTE SPECIFIED PURPOSE UNQUOTE VISAS TO DEFENSE COUNSEL (PURPOSE: QUOTE TO BE PRESENT AT TAKING OF DEPOSITION UNQUOTE) VALID FOR 30-DAY STAY IN JAPAN.

3. EMBASSY WILL APPRECIATE BEING INFORMED SOONEST WHETHER US ATTORNEY WILL BRING VIDEO TAPE EQUIPMENT AND OPERATOR FROM US OR WHETHER HE WISHES EMBASSY TO ARRANGE FOR LOCAL FIRM (VITT) TO FURNISH AT COST OF \$1000 DOLLARS DAY.
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